

ORIGINAL

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSEPH C. CANOUSE, an individual

Plaintiff,

v.

PROTEXT MOBILITY, INC.

Defendant.

Case No.: 1:18-cv-03610

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/19/19**

DEFAULT JUDGMENT

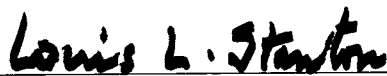
This action having been commenced by plaintiff **JOSEPH C. CANOUSE** ("Plaintiff") by the filing of a civil complaint, civil coversheet and request for issuance of summons on April 23, 2018; and the Clerk of the Court having issued a summons on April 25, 2019; and the summons and complaint having been served upon defendant **PROTEXT MOBILITY, INC.** ("Defendant") on May 10, 2018 care of Defendant's registered agent for service of process, David Lewis; and Defendant having appeared in this action by Counsel on May 30, 2018, and the Defendant having moved on July 19, 2018 to dismiss this action pursuant to Fed. R. Civ. P. 12(b); and the Court having entered a Memorandum & Order on January 30, 2019 granting in part and denying in part Defendant's motion to dismiss; and Plaintiff having filed an amended complaint on April 12, 2019; and Defendant having failed to answer or otherwise move with respect to the amended complaint; and the Clerk of the Court having issued a Certificate of Default against Defendant on September 5, 2019;

NOW, on Plaintiff's Motion for default Judgment and the supporting declarations of Plaintiff Joseph C. Canouse ("Canouse Declaration") and Plaintiff's counsel Scott Bonder, Esq. ("Bonder Declaration") and the exhibits thereto; it is hereby:

ORDERED, ADJUDGED AND DECREED, that Plaintiff Joseph C. Canouse have judgment against Defendant Protext Mobility, Inc. in the amount of \$563,396.72, consisting of: (i) damages under the Notes in the amount of \$56,462.99 as set forth in the Canouse Declaration; (ii) damages under the Consulting Agreement in the amount of \$330,000 as set forth in the Canouse Declaration; (iii) prejudgment interest under the Shanker Note in the amount of \$8,649.11 as set forth in the Canouse Declaration; (iv) prejudgment interest under the Berman Note in the amount of \$3,510.94 as set forth in the Canouse Declaration; (v) \$3,803.19 under the Levine Note as set forth in the Canouse Declaration; and (vi) attorneys fees in the amount of \$160,970.49 based on the 40% contingency fee as set forth in the Bonder Declaration.

Dated: New York, New York

November 19, 2019



Louis L. Stanton
United States District Judge